

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Commissioner for Patents,  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

|                    |          |          |
|--------------------|----------|----------|
| Prior Application: | Examiner | K. Habte |
|                    | Art Unit | 1624     |

Sir: This is a request for filing a ☐ Continuation ☒ Divisional

application, under 37 C.F.R. 1.53(b), of pending application Serial No. 10/228,250 filed on

August 26, 2002 (DATE) of Ying-Duo Gao, Douglas J. MacNeil, Lihu Yang, Nancy R. Morin, Takehiro Fukami, Akio Kanatani, Takahiro Fukuroda, Yasuyuki Ishii, and Masaki Ihara (INVENTOR)

for SPIRO-INDOLINES AS Y5 RECEPTOR ANTAGONISTS  
(TITLE OF INVENTION)

- The enclosed comprises a copy of prior application Serial No. 10/228,250, as filed on August 26, 2002. The entire disclosure of this prior application is hereby incorporated by reference.
- The filing fee is calculated below:

**CLAIMS AS FILED IN THE PRIOR APPLICATION, LESS ANY CLAIMS CANCELED BY AMENDMENT BELOW**

| FOR   | NUMBER<br>FILED | NUMBER<br>EXTRA | RATE  | FEE              |
|---|-----------------|-----------------|-------|------------------|
| Total Claims  | 27 - 20         | 7 x             | \$18  | \$126            |
| Independent Claims  | 1 - 3           | 0 x             | \$84  | \$0              |
| *Multiple Dependent Claims  |                 |                 | \$280 |                  |
| Basic Fee (minimum amount required)   |                 |                 |       | \$750            |
| * Add this fee if application contains any multiple dependent claims, regardless of number. |                 |                 |       | \$876            |
|   |                 |                 |       | <b>Total Fee</b> |

- The Commissioner is hereby authorized to charge any fees which may be required or to credit any overpayment to Account No. 13-2755.
- ☐ Amend the specification by inserting before the first line the sentence:  
-- This is a ☐ continuation, ☐ division of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☐ Cancel in this application original claims: \_\_\_\_\_.
- ☒ Preliminary amendment enclosed.
- ☐ Information Disclosure Statement/PTO-1449 enclosed.
- ☐ Transfer the drawings from the prior application to this application and abandon said prior application as of the filing date accorded this application. A duplicate copy of this sheet is enclosed for filing in the prior application file.
- ☐ New formal drawings are enclosed.
- ☐ Priority of application Serial No. \_\_\_\_\_, filed \_\_\_\_\_, in \_\_\_\_\_ (COUNTRY) is claimed under 35 U.S.C. 119.
- ☐ The certified copy of the priority application has been filed in prior application Serial No. \_\_\_\_\_, filed \_\_\_\_\_.
- ☒ The prior application is assigned to Merck & Co., Inc. & Banyu Pharmaceutical Co., Ltd.
- ☒ The undersigned attorney or agent has:
  - ☐ Power in the prior application as originally filed.
  - ☒ Associate power, copy enclosed.

|   |                       |
|---|-----------------------|
| <b>EXPRESS MAIL CERTIFICATE</b>   |                       |
| DATE OF DEPOSIT   | <u>July 21, 2003</u>  |
| EXPRESS MAIL NO.  | <u>EV321983299US</u>  |
| I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE AS EXPRESS MAIL "POST OFFICE TO ADDRESSEE" ON THE ABOVE DATE IN AN ENVELOPE ADDRESSED TO COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VIRGINIA 22313-1450. |                       |
| MAILED BY <u>L. One Schepise</u>  | DATE <u>7/21/2003</u> |

Respectfully,

*Baerbel R. Brown*

By: BAERBEL R. BROWN  
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Date: July 21, 2003

